

**THE LAW OFFICES OF  
BENJAMIN G. KELSEN, ESQ. LLC**  
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**DOVID BENDER**, on behalf of herself and all  
others similarly situated,

Plaintiff(s),

v.

**CHASE RECEIVABLES**, A Professional  
Collection Agency and **JOHN DOES 1-25**,  
Defendant(s)

**THE UNITED STATES  
DISTRICT COURT FOR  
THE DISTRICT OF NEW JERSEY**

**CIVIL ACTION:**

**COMPLAINT  
AND  
DEMAND FOR JURY TRIAL**

Plaintiffs, **DOVID BENDER** (hereinafter, "Plaintiff"), a New Jersey resident, brings this complaint by and through their attorneys, **THE LAW OFFICES OF BENJAMIN G. KELSEN, ESQ. LLC**, against **CHASE RECEIVABLES**, A Professional Collection Agency and **JOHN DOES 1-25** (hereinafter "Defendants"), pursuant to Rule 23 of the Federal Rules of Civil Procedure, based upon information and belief of Plaintiff's counsel, except for allegations specifically pertaining to Plaintiff, which are based upon Plaintiff's personal knowledge.

**JURISDICTION AND VENUE**

1. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(a)(2), 1391(b)(2) because this is the judicial district in which a substantial part of the events or omissions giving rise to the claims in this case occurred.

**NATURE OF THE ACTION**

2. Plaintiff brings this action on behalf of the plaintiff, a New Jersey consumer seeking redress for Defendant's actions of using an unfair and unconscionable means to collect a debt.

3. Defendant's actions violated § 1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA") which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.
4. Plaintiff is seeking damages, and declaratory and injunctive relief.

### **PARTIES**

5. Both Plaintiffs are a natural person and a resident of the State of New Jersey, and is a "Consumer" as defined by 15 U.S.C. §1692(a)(3).
6. Plaintiffs reside in the Township of Lakewood, County of Ocean, and State of New Jersey.
7. Defendant, CHASE RECEIVABLES, A Professional Collection Agency (herein after referred to as "CHASE") is a collection agency with its principal office located at 1247 Broadway, Sonoma, California 95476-7503 and a mailing address of PO Box 4115, Concord, California 94524. Defendant is a "debt collector" as the phrase is defined and used in the FDCPA under 15 USC §1692a (6).
8. John Does 1-25, are fictitious names of individuals and businesses alleged for the purpose of substituting names of Defendants whose identities will be disclosed in discovery and should be made parties to this action.

### **FACTUAL ALLEGATIONS**

9. Plaintiff repeats, reiterates and incorporates the allegations contained in the paragraphs above herein with the same force and effect as if the same were set forth at length herein.
10. Defendant collects and attempts to collect debts incurred or alleged to have been incurred for personal, family or household purposes on behalf of creditors using the United States Postal Services, telephone and Internet.
11. Upon information and belief, within the last year the Defendant began a collection campaign against the Plaintiff in an attempt to collect an alleged "debt" as defined by 15 U.S.C. 1692a(5).
12. On or about April 7, 2016 the Defendant contacted the Plaintiff at his cell phone number of 916-384-9581 via telephone seeking a third party, a person unknown to the Plaintiff. The Plaintiff informed the Defendant that they were calling the wrong person.
13. Despite being told to stop calling, the Defendant contacted the Plaintiff again on several occasions, including but not limited to, April 14, 20, 21, 26, and May 3, 2016.

14. John Does 1-10, are fictitious names of individuals and businesses alleged for the purpose of substituting names of Defendants whose identities will be disclosed in discovery and should be made parties to this action.

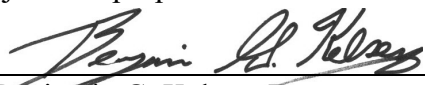
**CLAIMS FOR RELIEF VIOLATIONS OF  
THE FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. §1692f et seq.**

15. Plaintiff repeats, reiterates and incorporates the allegations contained in the paragraphs above herein with the same force and effect as if the same were set forth at length herein.
16. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated 15 USC 1692d § 806(5) of the FDCPA.
17. Pursuant to 15 USC 1692d § 806(5), a debt collector may not repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.
18. Defendants violated said section by calling the Plaintiff repeatedly after being told that they had a wrong number.
19. By reason thereof, Defendant is liable to Plaintiff for judgment that Defendant's conduct violated Section 1692f *et seq.* of the FDCPA, actual damages, statutory damages, costs and attorneys' fees.

**PRAYER FOR RELIEF**

20. **WHEREFORE**, Plaintiff demands judgment against Defendants as follows:
21. Plaintiff demands judgment against the Defendant as follows:
- a. Actual damages provided and pursuant to 15 USC §1692k(a)(1);
  - b. Statutory damages provided and pursuant to 15 USC §1692k(2)(A);
  - c. Statutory damages provided and pursuant to 15 USC §1692k(2)(B);
  - d. Attorneys' fees and costs provided and pursuant to 15 USC §1692k(a)(3);
  - e. A declaration that the Defendant's practices violated the FDCPA; and
  - f. Such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.


Dated: May 19, 2016

  
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Benjamin G. Kelsen, Esq.  
**THE LAW OFFICES OF  
BENJAMIN G. KELSEN, ESQ. LLC**  
*Attorneys for Plaintiff*

**DEMAND FOR TRIAL BY JURY**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs, on behalf of themselves and all others similarly situated, demands a trial by jury on all questions of fact raised by the complaint.

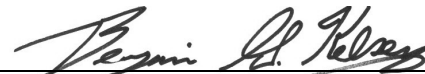
Dated: May 19, 2016

  
Benjamin G. Kelsen, Esq.  
**THE LAW OFFICES OF  
BENJAMIN G. KELSEN, ESQ. LLC**  
*Attorneys for Plaintiff*

**CERTIFICATION PURSUANT TO LOCAL RULE 11.2**

I, **BENJAMIN G. KELSEN**, the undersigned attorney of record for Plaintiff, do hereby certify to my own knowledge and based upon information available to me at my office, the matter in controversy is not the subject of any other action now pending in any court or in any arbitration or administrative proceeding.

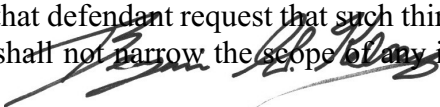
Dated: May 19, 2016

  
Benjamin G. Kelsen, Esq.  
**THE LAW OFFICES OF  
BENJAMIN G. KELSEN, ESQ. LLC**  
*Attorneys for Plaintiff*

**DOCUMENT PRESERVATION DEMAND**

Plaintiff hereby demands that each defendant take affirmative steps to preserve all recordings, data, documents, and all other tangible things that relate to plaintiff, the events described herein, any third party associated with any telephone call, campaign, account, sale or file associated with plaintiff, and any account or number or symbol relating to them. These materials are likely very relevant to the litigation of this claim. If any defendant is aware of any third party that has possession, custody, or control of any such materials, plaintiff demands that defendant request that such third party also take steps to preserve the materials. This demand shall not narrow the scope of any independent document preservation duties of the defendants.

Dated: May 19, 2016

  
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Benjamin G. Kelsen, Esq.  
**THE LAW OFFICES OF  
BENJAMIN G. KELSEN, ESQ. LLC**  
*Attorneys for Plaintiff*